

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 18

WDC ACQUISITION, LLC

and

District Lodge 6, International Association of  
Machinists

And

USW/AFL-CIO/CLC and USW GMP Counsel 17B

Case No. 18-CA-220488

18-CA-224086

18-CA-224176

18-CA-235532

18-CA-238129

18-CA-238193

18-CA-238883

**Respondent's Request to file Reply to Post Hearing Brief**

WDC Acquisition, LLC respectfully requests the Court to exercise its discretion and permit reply briefs. As noted in the Bench Book, “the trial judge has the discretion to ask for [replies], or grant a motion for leave to file them, in an appropriate case. See *Gallup, Inc.*, 349 NLRB 1213, 1217 (2007), and cases cited there.” Bench Book at 165. WDC sought agreement from General Counsel who declined without reasoning, notwithstanding WDC’s willingness to consent to its request to delay the post-hearing briefing schedule and motion to address the record/transcript.

Here, the parties participated in three days of testimony and the General Counsel filed a 43+ brief seeking any number of findings against WDC such as adverse inferences, new legal theories, and cumulative remedies. This is the appropriate case to permit reply briefing. For example, the General Counsel apparently argues that alleged statements from a successor forfeits *Burns* rights but the insidious actions of discriminatory refusal to hire are not actions followed by a forfeiture of *Burns* rights. WDC believes it is important that the parties are entitled to brief these matters and a reply is appropriate.

Further, due to the extension sought by General Counsel, the parties are on the eve of the holiday season and therefore seek an extended deadline for a reply due to those circumstances. WDC respectfully requests until January 13, 2020 to submit a reply.



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Gene R. La Suer, AT0004440  
Michele L. Brott, AT0010068  
DAVIS, BROWN, KOEHN, SHORS  
& ROBERTS, P.C.  
215 10<sup>th</sup> Street, Suite 1300  
Des Moines, Iowa 50309  
Telephone: (515) 288-2500  
Facsimile: (515) 243-0654  
Email: [GeneLaSuer@davisbrownlaw.com](mailto:GeneLaSuer@davisbrownlaw.com)  
Email: [MicheleBrott@davisbrownlaw.com](mailto:MicheleBrott@davisbrownlaw.com)  
ATTORNEYS FOR WDC ACQUISITION, LLC

Copies to:

Jennifer A. Hadsell  
Regional Director  
National Labor Relations Board  
Region 18  
Federal Office Building  
212 Third Avenue South, Suite 200  
Minneapolis, MN 55401-2647

**PROOF OF SERVICE**

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on **December 23, 2019** by:

<input type="checkbox"/> U.S. Mail	<input type="checkbox"/> FAX
<input type="checkbox"/> Hand Delivered	<input type="checkbox"/> Overnight Courier
<input type="checkbox"/> Federal Express	<input checked="" type="checkbox"/> Other: E-Filing

Signature: \_\_\_\_\_

